

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

EDUARDO TALENTINO,

Defendant.
-----X

ORDER

20 CR 31 (VB)

Copies Mailed/Faxed

Chambers of Vincent L. Briccetti

By motion dated March 13, 2023, defendant Eduardo Talentino seeks a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

The government is directed to file a response to the motion by April 7, 2023. The government's response shall address the issue of exhaustion as well as the merits of the motion.

If defendant wishes to file a reply to the government's submission, he shall do so by no later than April 28, 2023.

Defendant has also requested appointment of counsel, which is denied as unwarranted. "[A] defendant filing a compassionate release motion [under 18 U.S.C. § 3582(c)(1)(A)] . . . has no constitutional or statutory right to the assistance of counsel." United States v. Fleming, 5 F.4th 189, 192 (2d Cir. 2021). "The appointment of [Criminal Justice Act] counsel at this stage rests in the court's sole discretion." Id. at 194 n.4. Here, defendant has submitted a detailed motion, including attachments, and the issues presented by the motion are not complex. Accordingly, the Court sees no reason to appoint counsel at this time.

Chambers will mail a copy of this Order to defendant at the following address:

Eduardo Talentino, Reg. No. 87052-054
FCI Fort Dix
Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

Dated: March 17, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge